



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------------|------------------------|
| 10/563,385 | 01/05/2006 | Jun Li | PU030023 | 3002 |
| 24498 | 7590 | 10/31/2008 | | |
| Joseph J. Laks Thomson Licensing LLC 2 Independence Way, Patent Operations PO Box 5312 PRINCETON, NJ 08543 | | | EXAMINER BRANDT, CHRISTOPHER M | |
| | | | ART UNIT 2617 | PAPER NUMBER |
| | | | MAIL DATE 10/31/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/563,385

Applicant(s)

LI ET AL.

Examiner

CHRISTOPHER M. BRANDT

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Christopher M Brandt/
Examiner, Art Unit 2617

Continuation of 11. With regard to applicant's argument that neither Hunt nor Chitraru teach or suggest "that the micro cell and the one macro cell are directly communicating in response to access of the micro cell by the mobile communications device", the examiner respectfully disagrees. As stated in the previous communication, the examiner notes that Hunt was used to teach the wireless channel, which was read as direct links (paragraph 28). The examiner also noted that Chitraru was relied upon to disclose the direct communication between the micro cell and the macro cell in response to access of the micro cell by the mobile communications device. This is taught by Chitraru in paragraphs 74 and 80 (as cited in the previous office action), when Chitraru is discussing a UE communicating with a Node B of the RLAN moves outside the RLAN service region, handover is implemented via the RAN IP gateway utilizing IP packet service, where there is a direct connection to the RIP GW. The examiner used this particular reference, since applicant's specification defines a micro cell as a wireless LAN and a macro cell as a WAN. Therefore, Chitraru teaches "that the micro cell and the one macro cell are directly communicating in response to access of the micro cell by the mobile communications device" because a RLAN and a RAN are analogous to a WLAN and WAN, respectively. In addition, the examiner provided some suggestion to combine the two references. The examiner stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Chitraru into the invention of Hunt in order to enable connectivity to the public network using utilizing IP packet service (paragraphs 23, 74). It appears applicant is arguing about features that Chitraru does not disclose when in fact the examiner relied upon Hunt to disclose those particular features. The examiner simply relied upon Chitraru to disclose the missing feature of Hunt. This feature of course is "that the micro cell and the one macro cell are directly communicating in response to access of the micro cell by the mobile communications device". Therefore, the examiner maintains his rejection since the claims are written such that they still read upon the cited references.

Chris Brandt
Art Unit 2617
10/28/2008